

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

HEATHER ROBINSON,

Plaintiff,

v.

Case No. 08-14069  
Hon. Lawrence P. Zatkoff

PATRICIA CARUSO et al.,

Defendants.

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**ORDER TO DISMISS IN PART**

Plaintiff filed her complaint on September 22, 2008. The Court liberally construes Plaintiff's complaint to contain the following counts:

Count I        Violation of 42 U.S.C. § 1983

Count II      Violation of 42 U.S.C. § 1983 and medical malpractice under Mich. Comp. Laws. § 600.2912

Count III     Violation of 42 U.S.C. § 1985

Count IV     Violation of 42 U.S.C. §§ 1985, 1986

Count V      Violation of 42 U.S.C. § 1983

The Court has subject-matter jurisdiction over Count I, the § 1983 violation in Count II, and Counts III-V because they arise under federal law. 28 U.S.C. § 1331. The medical malpractice claim in Count II, however, is based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1337(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *Id.* § 1337(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claim

in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See id.; see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claim (medical malpractice in Count II) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Count I, § 1983 violation in Count II, and Counts III-V).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: November 25, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 25, 2008.

s/Marie E. Verlinde

Case Manager

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